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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1137 OF 2006
IN
APPEAL FROM ORDER NO.649 OF 2006

Mallesh Narayan Vasam Applicant
versus
M/s.Poojeet Enterprises Respondent

Mr.S.S.Redekar for applicant.
Mr.Mishra for respondent.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Heard advocate for the applicant and advocate for the respondent. It appears from the record that the day on which the applicant was dispossed by executing a possession warrant, there was no restraint order operating passed by this Court. Therefore, at this stage the order of restoration of the possession cannot be passed. However, status-quo will have to be maintained and, therefore, interim relief in terms of prayer clause (b) deserves to be granted.

2. It is stated that certain articles of the

applicant are lying in the suit premises. The learned advocate for the respondent states that the respondent has no objection if the said articles are taken away by the applicant as an inventory has already been made at the time of execution.

3. Hence, the application is disposed of by passing following order :-

a) There will be interim order in terms of prayer clause (b);

b) Prayer clause (a) is rejected;

c) It will be open for the applicant to take away his articles lying in the suit premises after giving advance notice to the respondent;

d) It is clarified that pendency of appeal in this Court will not operate as stay of the proceedings of the suit and Trial Court will decide the suit as expeditiouly as possible;

e) Application is disposed of in the above terms.

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(A.S.OKA, J.)